

WHEREAS, the Supreme Court of the United States has held that "all non-navigable waters were reserved for the use of the public under the laws of the various aridland states"; and

WHEREAS, the arid land states by water codes have provided a complete system for determining the rights of the appropriators to the use of the waters of a stream and the regulation, control and diversion of water in accordance with such rights, which have received the approval of both federal and state courts as an economical and effective method for the determination of the rights to and for the distribution of water; and

WHEREAS, both federal and state courts are firmly committed to the doctrine that water rights are real estate; that the extent and measure thereof must be determined by the law of the state; that the same is a local action, and the only court clothed with jurisdiction to make an adjudication is the state court where all water users from the common source of supply can be made parties to the proceedings; and

WHEREAS, in some instances lands on Indian reservations have water rights from natural flow and waters impounded by the Bureau of Reclamation which rights can be fully and adequately protected under the water codes; and

WHEREAS, the adjudication of water rights under water codes has proved to be an inexpensive and ready manner of settling all disputes; and

WHEREAS, to make water rights of an economic value the rights to the use of the water and the division thereof, according to these rights should be determined in advance.

NOW THEREFORE BE IT RESOLVED:

1. That we recommend that whenever a dispute has arisen in connection with water rights on a federal project that the state officials in the exercise of their powers under the water code proceed with the adjudication of the water rights at the earliest possible date and that said state officials make distri-

bution of the water in accordance with the provisions of the water code.

2. That where water from a common source of supply is used upon land in an Indian Reservation and upon other projects and privately owned lands, we recommend and urge that the United States, the Secretary of the Interior and Commission of Reclamation file with the proper state official, consent to the adjudication of such Indian water rights under the State Water Code and to appear in and cooperate with the state officials in the adjudication proceedings.

3. We recommend and urge that in all cases the Secretary of the Interior and Commissioner give consent to the adjudication of water rights on all federal irrigation projects and cooperate with the state officials in the adjudication proceedings.

WHEREAS The procedure provided in the water codes has by many years experience proven to be an economical and effective method of determining the rights to and for the distribution of the waters from a common source of supply, and this method has received the sanction of both federal and state courts, and

WHEREAS in some instances lands on Indian reservations have both natural flow and federal project water rights, which are derived from the same source as other project water rights, which makes it imperative that the entire project supply be administered by the proper state official; and

WHEREAS we believe that it is for the best interests of the water users, the United States and the officials charged with the administration of the reclamation law that the water rights on all federal projects be adjudicated and determined in the state court under the water code at the earliest possible date.

NOW THEREFORE BE IT RESOLVED:

That we recommend and urge that the United States, Secretary of the Interior and Commissioner give their consent to and cooperate with the state officials in the adjudication proceedings and that where water rights on lands in Indian Reservations are involved that the United States and the Secretary of the Interior appear in such proceedings and make proof of the Indian rights.